REMARKS

The present amendment is in response to the Office Action dated November 30, 2006. Claims 1-11, and 13-28 are now present in this case. Claim 10 is amended.

Claims 1-11 and 13-28 stand rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of U.S. Patent No. 5,999,532 to Terasaki combined with newly cited U.S. Patent No. U.S. Patent No. 6,055,239 to Kato. The applicants respectfully traverse this rejection and request reconsideration.

The applicants filed an amendment in the present application on September 15, 2006. The amendment was based in part on a telephone interview with the Examiner on September 8, 2006. As discussed in that telephone conference, and noted in the amendment, the system disclosed in Terasaki requires both a PVC connection and SVC connection. This is noted in Figures 4-5 of Terasaki and discussed at column 6, line 50-column 7, line 52. As described in Terasaki, a PVC connection is established for signaling purposes, such as call setup and call processing. (See column 6, lines 50-56). The system subsequently establishes an SVC connection for data transfer. (See column 6, lines 59-63.) Thus, Terasaki requires both a PVC and an SVC connection. As such, Terasaki cannot possibly teach or suggest "connecting the client machine to the server machine using either the PVC connection or the SVC connection based upon the response message," as recited in, by way of example, claim 1.

The Office Action further states that Kato discloses a separate method of establishing PVC and SVC connections and querying for the availability of PVC and SVC connections. This is incorrect. Kato is directed to a technique for establishing a PVC connection in an ATM network. SVC connections are not utilized in Kato. The section of Kato cited in the Office Action (column 6, lines 30-46 and column 6, line 53-column 7, line 21) are solely directed to the establishment of a PVC connection. An SVC connection is neither described or even contemplated in the quoted section of Kato. Thus, neither Terasaki or Kato, taken alone in combination, suggest the method of claim 1 which recited *inter alia* "connecting the client machine to the server machine using either the PVC connection or the SVC connection based on the response

message." For at least this reason, claim 1 is clearly allowable over the combination of Terasaki and Kato. Claims 2-6 are also allowable in view of the fact that they depend from claim 1, and further in view of the recitation in each of those claims.

Claim 10 is an apparatus claim and recites *inter alia* "connection means receiving the connection response and connecting the client application to the server machine using either the PVC connection or the SVC connection based upon the connection response." As discussed above with respect the claim 1, Terasaki and Kato, taken alone or in combination, do not suggest such connection means. Terasaki requires both a PVC and an SVC connection while Kato is directed solely to a PVC connection. Accordingly, claim 10 is clearly allowable over the combination of Terasaki and Kato. Claims 11 and 13-17 are also allowable in view of the fact that they depend from claim 10, and further in view of the recitation in each of those claims.

The Office Action asserts that claim 18 is substantially the same as claim 1. However, this mischaracterizes differences between the claims. Claim 1 recites formulating a query message at a client machine, sending the query message to a server machine, decoding the query message at the server machine, determining the availability of PVC connections and SVC connections in response the decoded query message, formulating a response message at the server machine, sending the response message to the client machine, decoding the response message at the client machine, and connecting the client machine to the service machine using either the PVC connection or the SVC connection based on the response message. In sharp contrast, claim 18 is directed to a technique wherein a message is received from a plurality of servers in response to a query message. The received message contains service indicator data indicative of multiple levels of service provided by the respective servers. Such a method is not recited in claim 1. Furthermore, claim 18 recites storing the service indicator data and sending a message to a client machine to indicate the availability of one or more of the plurality of servers to provide a level of service required by a client application. These processes are also not recited in claim 1. Thus, claim 18 is significantly different from claim 1.

Claim 18 is also allowable over the combination of Terasaki and Kato. Terasaki describes techniques for implementing an ATM line concentration apparatus

that allows ATM switching for one or more subscriber terminals. However, this does not suggest querying multiple servers regarding levels of service provided by the respective servers, storing the service indicator data, and sending the message to a client machine to indicate the availability of one or more of the plurality of servers to provide a level of service required by a client application, as recited in claim 18. The addition of Kato to the Terasaki does not solve this serious deficiency. Kato is directed to a technique for establishing a PVC connection between two machines, but does not teach or suggest receiving messages from a plurality of servers with the message containing service indicator data, storing the service indicator data, or sending a message to a client machine to indicate the availability of one or more of a plurality of servers to provide a level of service required by a client application, as recited in claim 18.

Neither reference teaches or suggests collecting data from a plurality of servers in the form of service indicator data and storing service indicator data for each of the plurality of servers. Furthermore, neither reference, taken alone or in combination, suggests sending a message to a client machine to indicate the availability of one or more of the plurality of servers to provide a level of service required by a client application. Accordingly, claim 18 is clearly allowable over the combination of Terasaki and Kato. Claims 19-22 are also allowable in view of the fact that they depend from claim 18, and further in view of the recitation in each of those claims.

The Office Action asserts that claim 23 is substantially the same as claim 1. This mischaracterizes the significant differences between claim 23 and claim 1. As discussed above, claim 1 is directed to communications between a client machine and a server machine in the form of a query and a response and a selection of either a PVC connection or an SVC connection to connect the client machine to the server machine. Claim 23 contains no such recitation. Claim 23 is a method claim directed to formulating a query message at a client machine with the query message containing a service level requirement of a client application and requesting data indicative of the availability of PVC and SVC connections at each of the plurality of server machines. As noted above, claim 1 is directed to a method between a single client machine and a single server machine. In contrast, claim 23 also recites sending the query message to a plurality of server machines and receiving a response message from at least a portion

of the plurality of server machines with the response indicating the multiple levels of service provided by the respective server machine and including PVI or PCI data value if a PVC connection is available at the respective server machine. Claim 23 also recites connecting a client machine to a selected one of the server machines based at least in part on the response message. Claim 1 recites connecting the client machine to the server machine using either the PVC connection or the SVC connection but does not recite connecting a client machine to a selected one of the plurality of server machines. Thus, claim 23 is not substantially the same as claim 1.

However, claim 23 is clearly allowable over the combination of Terasaki and Kato. As noted above, Terasaki is directed to techniques for coupling one or more subscriber terminals via an ATM switch, but does not teach or suggest a plurality of servers or formulating a query message at a client machine and sending the query message to a plurality of servers nor receiving a response message from at least a portion of the plurality of server machines, as recited in claim 23. The addition of Kato to Terasaki does not solve this serious deficiency. Kato describes techniques for establishing a PVC connection in an ATM network between subscriber machines, but does not teach or suggest a plurality of server machines or formulating query messages for the plurality of server machines or receiving response messages from at least a portion of the plurality of server machines, as recited in claim 23. Accordingly, claim 23 is clearly allowable over the combination of Terasaki and Kato. Claims 24-27 are also allowable in view of the fact that they depend from 23, and further in view of the recitation in each of those claims.

The applicants have made a good faith effort to place all claims in condition for allowance. The applicants respectfully request reconsideration of the present application and its allowance. If questions remain regarding the application, the Examiner is invited to contact the undersigned at (206) 628-7640.

Respectfully submitted,

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